

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ERICK FERNANDO VELA,)	4:18CV3046
)	
Petitioner,)	
)	
v.)	JOINT
)	STATUS REPORT
)	
SCOTT FRAKES, Director,)	
Nebraska Department of Correctional)	
Institutions,)	
)	
Respondent.)	

The parties submit this joint status report in accordance with this Court's text
Order:

1. On May 18, 2018, this Court entered an order granting the Petitioner's motion to stay proceedings, which ordered the stay and abeyance of this case pending the resolution of the Petitioner's state court postconviction proceedings.

2. The Petitioner's state court postconviction proceedings have not been resolved and are pending in the District Court of Madison County, Nebraska. Undersigned counsel are also the counsel of record for the state court postconviction proceedings.¹

3. Undersigned counsel for the parties anticipate progression of the state court proceedings with the understanding that the state court records of the Petitioner's capital case are voluminous and have necessarily involved considerable time to gather, review and organize. Additional time will be required for briefing, submission, and a state court decision.

¹ Undersigned counsel Bales is only counsel in the federal proceeding before this Court.

4. The COVID-19 pandemic has also affected case progression as scheduling in other cases involving undersigned counsel have been subject to frequent change due to the various directed health measures and court restrictions on conducting matters in the various state district courts.

5. There are a number of postconviction cases pending resolution in the Nebraska Supreme Court, namely State v. Lotter, S 20 000363, and State v. Galindo, S 21 000419. Said cases may impact the currently pending state court proceedings.

6. The parties agree that the stay in this case should not be lifted at this time, consistent with this Court's order (filing # 9), because the state court proceedings have not been resolved. The Respondent has no objection to continuing the stay and abeyance of this case.

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